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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SAN DIEGO, CA 92130-2081

EXAMINER

CAO, CHUN

ART UNIT PAPER NUMBER

2115

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

87

Office Action Summary

Application No.

10/682,231

Applicant(s)

TSIRKEL ET AL.

Examiner

Chun Cao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 2 and 10-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Final Rejection

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment Dated 5/5/05.
2. Claims 1-15 are presented for examination.
3. The text of those applicable section of Title 35, U.S. Code not included in this action can be found in the prior Office Action.

Terminal Disclaimer

4. The terminal disclaimer filed on 5/5/05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. patent no. 6,665,805 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Specification

5. The disclosure is object to because of the following informalities: the specification must identify any related application/patens by the serial number (not by the Attorney's Docket number and any other number) or patent number, if patented. Please make sure that the related information is up to date. Appropriate correction is required.
6. The rejections are respectfully maintained to the extended that is applicable to the amended claims and reproduced infra for applicant's convenience.
7. Claims 1, 3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sellers (Sellers), U.S. Patent No. 5,666,541 in view of Hogdahl et al. (Hogdahl), U.S. patent no. 5,264,992 and Nielsen et al. (Nielsen), U.S. patent no. 5,835,083.

Sellers is a prior art cited by applicant in IDS which is mailed in 11/8/03.

As per claim 1, Sellers disclose a system [fig. 1], comprising:

a user interaction detector to produce a signal indicative of whether a user is interacting with the system [col. 2, lines 51-52; col. 3, lines 26-27];

a user proximity detector to determine whether a user is proximate to the system and to produce a signal indicative of user proximity, the user proximity detector responsive to the user interaction detector [col. 2, lines 5-10; col. 3, lines 32-50; col. 4, lines 35-66];

a power management module to manage power in the system, the power management module responsive to the signal indicative of user proximity [col. 2, lines 62-65; col. 3, lines 24-31; col. 4, lines 35-41].

a battery provides power to the system in communication with the power management module [col. 1, lines 12-13]

Sellers does not explicitly disclose that a connector to receive a battery to provide power to the system, the connector in communication with the power management module, and the user proximity detector being at least one of activated and deactivated responsive to the user interaction detector.

Hogdahl discloses a connector to receive a battery to provide power to the system, the connector in communication with the power management module [fig. 5B; col. 7, lines 16-23].

Nielsen discloses that a user proximity detector [125, fig.1] being at least one of activated and deactivated responsive to a user interaction detector [110, fig. 1] [abstract all; col. 4, lines 28-31, 43-52].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Sellers and Hogdahl and Nielsen because they are directed to a computer system, and the specify teachings of Hogdahl of using a battery to supply power to the computer and the specify teachings of Nielson of activated/deactivated the user proximity detector would utility Sellers system to implement a connector to connect the power supply and further increasing the power consumption of the Sellers system.

As per claim 3, Sellers discloses that the user interaction detector comprises circuitry to determine whether a user is interacting with the system via at least one of a mouse and a keyboard [col. 2, lines 51-52; col. 3, lines 26-27].

As per claim 6, Sellers discloses that the power management module is to reduce system power consumption in response to the signal indicative of user proximity indicating that a user is not proximate to the system [col. 2, lines 62-65; col. 3, lines 24-31; col. 4, lines 35-41].

As per claim 7, Sellers discloses that the system further includes a display, and wherein the power management module is to reduce system power consumption by reducing an amount of power to the display [col. 1, lines 12-24, 51-59].

As per claim 8, Sellers discloses that the system is a mobile computing system [col. 1, lines 12-13].

8. Claims 4, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sellers (Sellers), U.S. Patent No. 5,666,541 in view of Hogdahl et al. (Hogdahl), U.S. patent no. 5,264,992 and Nielsen et al. (Nielsen), U.S. patent no. 5,835,083 and what

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was well known in the art, as exemplified by Hongo et al. (Hongo) JP patent no. 11-242733.

Hongo is a prior art cited by applicant in IDS that mailed in 11/8/03.

As to claims 4 and 5, Examiner takes Official Notice that the user proximity detector is a camera with active pixel sensors which is well known in the art of computer system, evidence of which may be found in:

Hongo: 10, fig. 2; abstract all

It would have been obvious to one of ordinary skill in the art at time the invention to employ the use of a camera and thereby captures a presence of person as Hongo teach in the above-cited passage.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being anticipated by Sellers (Sellers), U.S. Patent No. 5,666,541 in view of Nielsen et al. (Nielsen), U.S. patent no. 5,835,083

As per claim 9, Sellers discloses that a power control device for a computer [fig. 1], comprising:

user interaction circuitry to produce a signal indicative of whether a user is interacting with the computer [col. 2, lines 51-52; col. 3, lines 26-27];

a user proximity detector responsive to the signal indicative of whether a user is interacting with the computer, when active, the user proximity detector to produce a signal indicative of user proximity to the computer [col. 2, lines 5-10; col. 3, lines 32-50; col. 4, lines 35-66]; and

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a power control module to manage power in the computer, the power management module responsive to the signal indicative of user proximity [col. 2, lines 62-65; col. 3, lines 24-31; col. 4, lines 35-41].

Sellers does not explicitly disclose that the user proximity detector being at least one of activated and deactivated responsive to the user interaction detector.

Nielsen discloses that a user proximity detector [125, fig.1] being at least one of activated and deactivated responsive to a user interaction detector [110, fig. 1] [abstract all; col. 4, lines 28-31, 43-52].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Sellers and Nielsen because they are directed to a computer system, and the specify teachings of Nielson of activated/deactivated the user proximity detector would utility Sellers system for increasing the power consumption of the Sellers system.

10. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sellers (Sellers), U.S. Patent No. 5,666,541 in view of Nielsen et al. (Nielsen), U.S. patent no. 5,835,083 and further in view of what was well known in the art, as exemplified by Hongo et al. (Hongo) JP patent no. 11-242733.

As to claims 14 and 15, Examiner takes Official Notice that the user proximity detector is a camera with image processor that is well known in the art of computer system, evidence of which may be found in:

Hongo: 10, fig. 2; abstract all

It would have been obvious to one of ordinary skill in the art at time the invention

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to employ the use of a camera and thereby captures a presence of person as Hongo teach in the above-cited passage.

Allowable Subject Matter

11. Claims 2 and 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicant's arguments filed on 5/5/05, which have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

13. In the remarks, Applicant argued that Sellers does not explicitly disclose that the user proximity detector being at least one of activated and deactivated responsive to the user interaction detector.

14. The examiner respectfully traverses the argument for the following reasons:

Nielsen discloses that a user proximity detector [125, fig.1] being at least one of activated and deactivated responsive to a user interaction detector [110, fig. 1] [abstract all; col. 4, lines 28-31, 43-52].

Also see detailed rejection indicated above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao whose telephone number is 571-272-3664. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 571-272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Chun Cao', with a stylized, cursive script.

Chun Cao

June 20, 2005